

PATENT
Reply under 37 CFR 1.116
EXPEDITED PROCEDURE
Group 3636

Responsive to the objection to the amendment filed November 14, 2002 under 35 U.S.C. § 132, Applicants hereby respectfully traverse this ground of objection and submit that the amendment is allowable. Applicants respectfully refer the Examiner to MPEP 608 which states: "Applicant may rely for disclosure upon the specification with original claims and drawings." (Emphasis added). The structure of "upper segments 33" is shown in the drawing as originally filed, therefore no new matter has been added to the present application and the original disclosure does support the showing of "upper segments 33". The drawing was corrected to add a reference number 33 identifying the claimed structure as shown in the drawing as originally filed. The specification was amended to make reference to "upper segments 33" as required by 37 CFR 1.84 (p)(5). For all of the foregoing reasons, Applicants submit that the amendment, filed November 14, 2002, is now in condition for allowance, which is hereby respectfully requested.

Responsive to the rejection of claims 1-9 and 19-21 under 35 U.S.C. § 112, first paragraph, Applicants hereby respectfully traverse this ground of rejection and submit that claims 1-9 and 19-21 are in allowable form. The Examiner alleges the claimed elements "upper segments 33" were not present in the original disclosure. Applicants respectfully disagree. Applicants respectfully refer the Examiner to MPEP 608 which states: "Applicant may rely for disclosure upon the specification with original claims and drawings." (Emphasis added). The structure of "upper segments 33" is shown in the drawing as originally filed, therefore no new matter has been added to the present application and the original disclosure does support the showing of "upper segments 33". The drawing was corrected to add a reference number 33 identifying the claimed structure as shown in the drawing as originally filed. The specification was amended to make reference to "upper segment 33" as required by 37 CFR 1.84 (p)(5). For all of the foregoing reasons, Applicants submit claims 1-9 and 19-21 are in allowable form.

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Responsive to the rejection of claims 1-9 and 19-21 under 35 U.S.C. § 103(a) as being obvious by U.S. Patent No. 5,902,011 (Hand et al.) in view of U.S. Patent No. 5,033,133 (Nissen), Applicants respectfully traverse these grounds of rejection and submit that claims 1-9 and 19-21 are now in condition for allowance.

Hand et al. '011 discloses an office chair 210 with an adjustable lumbar support 10 (Figs. 12 and 15). Lumbar support 10 (Figs. 1-6) includes two inflatable bladders 14 interconnected by fluid distribution conduit 16 disposed therebetween and inflation conduit 18 connected to fluid distribution conduit 16 (column 4, line 65 through column 5, line 2). A pumping element (not shown) may be connected by tube or hose 34 to inflation conduit 18 to provide a way to adjustably inflate bladders 14 to the desired pressure (column 5, lines 16-18). A face panel 20 is secured to one side of bladders 14 to provide an interface between the bladders and the user's back (column 5, lines 5-7). Medial portion 30 of face panel 20 has a greater degree of flexibility than outer end portions 32 thereof to enable the face panel to flex at its medial portion to thereby relieve pressure to a user's spine and to conform to the curvature of one's back (column 5, lines 7-11). Form stable outer end portions 32 distribute the pressure exerted by bladders 14 against the user's back, and a generally rectangular rear panel 22 is secured to the other side of bladders 14 to provide a form stable support for the bladders (column 5, lines 11-15). Fig. 11 is an exploded view of lumbar support 10 fashioned for mounting on a cantilevered back support 247 (see Fig. 17) of a chair (column 8, lines 4-6). Back plate 175 is provided for each side of air inflatable bladder or lumbar assembly 10 with each back plate 175 including mounting arm or device 177 that terminates in hook 180 (column 8, lines 6-11). Hooks 180 are shaped such that they must be deflected or opened when slid over the edge of cantilevered back support 247, thus, creating a frictional engagement between the hooks and the surface of back support 247 with the

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resiliency of hooks 180 sufficient to hold air inflatable bladder or lumbar assembly 10 in a vertical adjusted location on cantilevered back support 247 (column 8, lines 11-19). Office chair or seat 212 includes one piece shell 212 with backrest 240 which includes mid-back portion 246 from which cantilevered back support 247 depends (column 9, lines 35-60). Upholstered cushion 270 is connected to backrest 240 by inserting fastening devices 278 in keyhole slots 273 (column 10, lines 46-48).

Nissen '133 discloses an inflatable seat cushion (Figs. 1 and 3) including a compressible core 13 within an inner cover 14 and an outer cover 16. Core 13 is preferably constructed from an open celled polyurethane foam material (column 3, lines 65-66). Valve 19 allows a person to selectively open and close off tube 15 to atmospheric access to the space within inner cover 14 (column 5, lines 26-29).

In contrast, claim 1, as previously amended, recites in part: "An article of furniture, comprising: a support having a support surface including a flexible support member having at least one upper segment and at least one lower segment, at least one of said upper segment and said lower segment connected to said support surface . . .". (Emphasis added). Applicants submit that such an invention is neither taught, disclosed or suggested by Hand et al. '011 and Nissen '133, or any of the other cited references, alone or in combination, and includes distinct advantages thereover.

Hand et al. '011 discloses a support including two inflatable bladders interconnected by a fluid distribution conduit disposed therebetween and an inflation conduit connected to the fluid distribution conduit with a suggestion that a pumping element (not shown) may be connected by a tube or hose to the inflation conduit. Nissen '133 discloses an inflatable seat cushion including a compressible core within an inner cover and an outer cover, with the core preferably constructed

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from an open celled polyurethane foam material, and a valve allowing a person to selectively open and close off a tube to atmospheric access to the space within the inner cover. However, Hand et al. '011 and Nissen '133, alone or in combination, fail to disclose, teach or suggest a support having a support surface including a flexible support member (30) having at least one upper segment (33) and at least one lower segment (31), at least one of the upper segment (33) and the lower segment (31) connected to the support surface.

The present invention as set forth by amended claim 1 has distinct advantages over Hand et al. '011 and Nissen '133 and the other cited references. An advantage of the present invention is the air bladders have a better support by being held in place on the support surface, at least in part, by a flexible support member. Another advantage is the air bladder system may either be made a permanent or a temporary part of a given article of furniture.

For all of the foregoing reasons, Applicants submit that claim 1, and claims 2-9 depending therefrom, are now in condition for allowance, the allowance of which is hereby respectfully requested.

Additionally, claims 19-21 have been added hereby to further protect the patentable subject matter of the present invention. Specifically, new claim 19, depending from claim 1, recites in part "wherein said support surface further includes at least one pocket, at least one said lower segment being removably insertable into at least one said pocket." Applicants have added new claim 20, depending from claim 1, which recites in part "wherein at least one said upper segment is connected to said support surface." Applicants have added new claim 21, depending from claim 20, which recites in part "wherein said support surface further includes at least one pocket, at least one said lower segment being removably insertable into at least one said pocket." Applicants submit that such an invention is shown in the drawing as filed and described in the

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specification as filed and is neither taught, disclosed nor suggested by any of the cited references, alone or in combination.

For the foregoing reasons, Applicants submit that the pending claims are definite and do particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Moreover, Applicants submit that no combination of the cited references teaches, discloses or suggests the subject matter of the amended claims. The pending claims are therefore in condition for allowance, and Applicants respectfully request withdrawal of all rejections and allowance of the claims.

In the event Applicants have overlooked the need for an extension of time, an additional extension of time, payment of fee, or additional payment of fee, Applicants hereby conditionally petition therefor and authorizes that any charges be made to Deposit Account No. 20-0095,

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Should any question concerning any of the foregoing arise, the Examiner is invited to telephone the undersigned at (260) 897-3400.

Respectfully submitted,



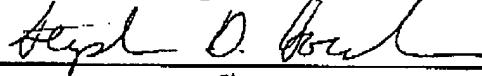
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office, on: March 28, 2003.

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